

AMENDED IN SENATE SEPTEMBER 3, 2009

AMENDED IN SENATE JULY 9, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1326**

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**Introduced by Assembly Member Huffman**

February 27, 2009

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An act to amend Section 2142 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1326, as amended, Huffman. Voter registration: action to compel registration.

Under existing law, if a county elections official refuses to register a qualified elector or if a county elections official has not registered a qualified elector who claims to have registered to vote through the Department of Motor Vehicles or another agency pursuant to the National Voter Registration Act of 1993, the elector may file an action in the superior court to compel his or her registration. Existing law prohibits the clerk of the superior court from charging a fee for services related to the action.

This bill would additionally authorize a qualified elector, or the county elections official on the elector's behalf, who claims to have completed an affidavit of registration and deposited that affidavit with a 3rd party with the intent that the 3rd party timely deliver the completed affidavit to the county elections official to bring an action in the superior court to compel registration.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2142 of the Elections Code is amended  
2 to read:

3     2142. (a) If the county elections official refuses to register a  
4 qualified elector in the county, the elector may proceed by action  
5 in the superior court to compel his or her registration. In an action  
6 under this section, as many persons may join as plaintiffs as have  
7 causes of action.

8     (b) If the county elections official has not registered a qualified  
9 elector who claims to have registered to vote through the  
10 Department of Motor Vehicles or any other public agency  
11 designated as a voter registration agency pursuant to the National  
12 Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) , the  
13 elector may proceed by action in the superior court to compel his  
14 or her registration. In an action under this section, as many persons  
15 may join as plaintiffs as have causes of action.

16     (c) If the county elections official has not registered a qualified  
17 elector who claims to have completed an affidavit of registration  
18 and deposited that affidavit of registration with a third party with  
19 the intent that the third party timely deliver the completed affidavit  
20 of registration to the county elections official, the qualified elector,  
21 or the county elections official on behalf of the qualified elector,  
22 *if requested in writing by the elector*, may proceed by action in  
23 the superior court against the county elections official to compel  
24 his or her registration. In an action under this subdivision, as many  
25 persons may join as plaintiffs as have causes of action.

26     (d) A fee shall not be charged by the clerk of the court for  
27 services rendered in an action under this section.